

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

VAZQUEZ COMMERCIAL)
CONTRACTING, LLC)
)
 Plaintiff)
)
 vs.) Case No. 20-cv-0486-DGK
)
 ZIESON CONSTRUCTION)
 COMPANY, LLC; SIMCON CORP)
 MONIA HAAVIG,)
 TORGENSEN ELECTRIC)
 COMPANY, INC.; MCPHERSON)
 CONTRACTORS, LLC; MLT)
 INVESTMENTS, LLC; METS, LLC;)
 HAAVIG & ASSOCIATES, L.L.C.;)
 ZURICH AMERICAN INSURANCE)
 COMPANY; CHPB Sub 1, LLC F/K/A)
 TRUSS, LLC; MICHAEL PATRICK)
 DINGLE; MATTHEW MCPHERSON;)
 STEPHON ZIEGLER; RUSTIN)
 SIMON.)
)
)

Defendants,

**DEFENDANT MICHAEL PATRICK DINGLE'S MOTION
TO DISMISS PETITION FOR DAMAGES**

Pursuant to Federal Rules of civil procedure 8(a), 9(b), and 12(b)(6), defendant Michael Patrick Dingle hereby moves to dismiss all claims against Mr. Dingle, with prejudice. Plaintiff's Petition for Damages alleges eight claims against Mr. Dingle: (1) Violation of the Federal Racketeer Influenced and Corrupt Organizations Act ("RICO") § 1962(c)(Count I), (2) Violation of RICO § 1962(a)(Count II), (3) Violation of RICO § 1962(d)(Count III), (4) Negligence (Count V), (5) Negligent Misrepresentation (Count VI), (6) Unjust enrichment (Count VII), (7) Tortious Interference (Count VIII), (8) Civil Conspiracy (Count IX). Each of these claims fails as a matter

of law to state any plausible claim for relief against Mr. Dingle, as further explained in Dingle's Suggestions in Support of this Motion to Dismiss.

Dated: November 18, 2020

Respectfully submitted,

VAN OSDOL, P.C.

By: /s/Thomas M. Bradshaw
Thomas M. Bradshaw, MO #20411
1000 Walnut Street, Suite 1500
Kansas City, Missouri 64106
Phone: (816) 421-0644
Fax: (816) 421-0758
TBradshaw@VanOsdolKC.com

MORGAN PILATE LLC

By: /s/Melanie S. Morgan
Melanie Morgan, MO #58084
926 Cherry Street
Kansas City, Missouri 64106
Phone: (816) 471-6694
Fax: (816) 472-3516
mmorgan@morganpilate.com

*Attorneys for Defendant Michael Patrick
Dingle*

CERTIFICATE OF SERVICE

On this 18th day of November, 2020, I hereby certify that I served a true and correct copy of the above and foregoing upon counsel of record filing the same electronically with the Court's Electronic Case Management System, which effects service via email upon parties of record.

/s/ Thomas M. Bradshaw

Attorney for Defendant Michael Patrick Dingle

Debra Bogo-Ernst
Mayer Brown, LLP – Chicago
71 South Wacker Drive
Chicago, IL 60606-4637
312-701-7403
Email: dernst@mayerbrown.com
Attorney for Zurich American Insurance Company

Carol Z. Smith
Dysart, Taylor, Cotter, McMonigle & Montemore, P.C.
4420 Madison Avenue
Suite 200
Kansas City, MO 64111
816-931-2700
Fax: 816-931-7377
Email: csmith@dysarttaylor.com
Attorney for Zurich American Insurance Company

Katrina L. Smeltzer
Sandberg Phoenix & von Gontard P.C.
4600 Madison Avenue Suite 1000
Kansas City, MO 64112
ksmeltzer@sandbergphoenix.com
Attorneys for Defendant CHPB Sub 1, LLC, f/k/a Truss, LLC

Mary Anne Mellow
Philip C. Graham
Sandberg Phoenix & von Gontard P.C.
600 Washington Ave. 15th Floor
St. Louis, MO 63101-1313
mmellow@sandbergphoenix.com
pgraham@sandbergphoenix.com
Attorneys for Defendant CHPB Sub 1, LLC, f/k/a Truss, LLC

Jean Paul Bradshaw II
Jennifer Hannah
Taryn A. Nash
Lathrop GPM LLP
2345 Grand Boulevard Suite 2200
Kansas City, MO 64108-2618
816-292-2000
jennifer.hannah@lathropgpm.com
jeanpaul.bradshaw@lathropgpm.com
taryn.nash@lathropgpm.com
Attorneys for Defendant Torgeson Electric Company

Mark E. Parrish
Joshua A. Sanders
Erica Fumagalli
Boyd Kenter Thomas & Parrish, LLC
P O Box 1099
221 West Lexington Ave. Suite 200
Independence, MO 64051
(816) 471-4511
mparrish@bktplaw.com
jsanders@bktplaw.com
efumagalli@bktplaw.com
Attorneys for Plaintiff Vazquez Commercial Contracting, LLC

Courtney Steelman
Husch Blackwell LLP
4801 Main Street Suite 1000
Kansas City, MO 64112-2551
Courtney.steelman@huschblackwell.com
Attorneys for Simcon Corp. and Rustin Simon